



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1359-00

24 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 30 September 1947 at the age of 18. Approximately nine months later, on 29 June 1948, you were convicted by summary court-martial (SCM) of a 12 day period of unauthorized absence (UA) and were sentenced to confinement for 15 days and a \$128 forfeiture of pay. On 25 October 1948 you received captain's mast (CM) for disrespect and failure to obey a lawful order. The punishment imposed was bread and water for five days. Shortly thereafter, on 9 December 1948, you received CM for losing your identification card and were awarded lost of liberties for three days.

Your record shows that on 11 July 1949 you were convicted by civil authorities of battery. You were sentenced to confinement for 30 days, one day of which was suspended. Subsequently, you were processed for an administrative separation by reason of unfitness. On 15 July 1949 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness. On 9 August 1949 the discharge authority approved

this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness. On 19 August 1949 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board also considered your contention that you were discharged without a hearing, court-martial, or legal counsel. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct in both the military and civilian communities. The Board also concluded that any procedural irregularities in your case did not affect the final outcome. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director